

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CECIL WALTER MAX-GEORGE, JR.,

Plaintiff,

versus

OATH, INC., *et al.*,

Defendants.

CIVIL ACTION NO. 9:20-CV-237

MEMORANDUM OPINION AND ORDER

Plaintiff Cecil Walter Max-George, Jr., an inmate currently confined at the Luther Unit, proceeding *pro se* and *in forma pauperis*, brought this lawsuit against Oath, Inc. and Verizon Communication, Inc.

Discussion

On June 27, 2022, the court dismissed the above-styled action without prejudice for lack of subject-matter jurisdiction. Plaintiff has filed a motion to alter or amend judgment (#23). This memorandum considers such motion.

Analysis

FED. R. CIV. P. 59 provides in pertinent part the following:

(a)(1) *Grounds for New Trial.* The court may, on motion, grant a new trial on all or some of the issues - and to any party - as follows:

- (A) after a jury trial, for any of reason for which a new trial has heretofore been granted in an action at law in federal court; or
- (B) after a non jury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.

(2) *Further Action After a Nonjury Trial.* After a nonjury trial the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

(e) **Motion to Alter or Amend Judgment.** A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

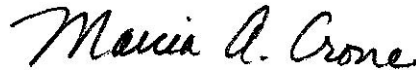
Plaintiff is well known to this court as a recreational prisoner litigant having filed at least twenty-two actions or appeals while incarcerated. After careful consideration of plaintiff's motion to alter or amend judgment, the court is of the opinion that plaintiff's motion fails to set forth a meritorious ground warranting relief from the judgment. As previously set forth in the report and the memorandum opinion overruling plaintiff's objections in this case, plaintiff is entitled to no relief as he has not identified an injury. Accordingly, plaintiff's motion should be denied.

ORDER

For the reasons set forth above, plaintiff's motion to alter or amend judgment should be denied. It is therefore

ORDERED that plaintiff's motion to alter or amend judgment (#23) is **DENIED**.

SIGNED at Beaumont, Texas, this 16th day of March, 2023.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE